

March 26, 2009

To: Senator Dan McGee
Fr: Jim Smith

Re: HB 228 Comments on Grey Bill 5.

Thanks for the opportunity to comment on HB 228 & Grey Bill 5.

I believe the Sheriffs Association will remain concerned with the Section dealing with Carrying Concealed Weapons (CCW) unless it is amended.

As written, it looks to the sheriffs as though a CCW permit is discretionary. A person may obtain a permit if he wants to, but he does not have to have a permit. The sheriff, however, 'shall issue' a CCW permit. In other words, a person 'may' or 'may not' have a permit to carry concealed; but the Sheriff 'shall' issue a permit.

That just does not sit well with the sheriffs. They would say: "either Montana has a permit system or it doesn't have a permit system."

Gallatin County Sheriff Cashell will come over Friday morning for the Subcommittee and would like to discuss this Section of HB 228.

I'm attaching a memo previously given to you and the members of the Senate Judiciary Committee. It goes through 10-12 years of legislative history with regard to this issue. Pam Schindler has the complete memo, and copies of the various bills referenced in this one page cover memo.

As I review these bills and think back over the debates, it seems to me that a lot of the 'agitation' has been around the issue of carrying concealed. Bluntly, some folks seem to have a love-hate problem with the current law. They 'love' the permit system because of the reciprocity agreements with 40-some other states, and because it suffices for the federal firearms background check. But they 'hate' having to apply for the permit. So, there have been a series of bills designed, in my opinion, to circumvent the permit process in one way or another.

~~I hope folks from the Ag's office will speak about the implications to the reciprocity agreements with other states. I believe that aspect of HB 228 is being reviewed by Ali Bovingdon And others at the Department of Justice.~~

The current law with regard to CCW has worked well and it is working well.

Thanks again for the opportunity to comment. I appreciate it, as do the Montana sheriffs I work for.

FOR #B228
Subcommittee
EXHIBIT NO. 5
DATE 3/27/09
BILL NO. HB228

March 17, 2009

To: Chairman Perry and Members of Senate Judiciary Committee.

Fr: Jim Smith

Re: House Bill 228. Testimony in Opposition.

I was asked by some members of the House Judiciary Committee to prepare a little history and background on the concealed weapon & gun legislation introduced over the last several years. I did some research on that subject, which I believe might also be of interest to the members of the Senate Judiciary Committee.

One note of caution: my personal involvement with the issue goes back to 1997. The LAWS only goes back to 1999. I understand from testimony of the proponents of HB 228 that concealed weapon legislation was first introduced in Montana in 1989.

1997. HB 429. Intro'd by Rep. Wells. Effectively eliminated the Concealed Weapon Permit requirement by greatly expanding the number of individual exempted from the requirement to obtain a concealed weapon permit. HB 429 was tabled in House Judiciary.

1997-1999. 'Consensus Group' works on revisions to CCWs. Information attached.

1999. SB 186. Intro'd by Sen. Wells. Revisions to CCW Law. Identified 'prohibited places' (basically included banks, bars and public buildings).

1999. HB 459. Intro'd by Rep. Bob Clark. CCW Reciprocity Agreement with other states. Both of these 1999 bills passed and were signed into law.

2001. HB 202. Intro'd by Rep. Davies. CCW & public employees. Tabled in House Judiciary Committee.

2001. SB 18. Intro'd by Sen. O'Neill. Drivers App. Firearm purchase check. Missed Transmittal.

2003. SB 184. Intro'd by Rep. Butcher. Lifetime CCW permits. Tabled in House FWP Committee.

2005. HB 693. Intro'd by Rep. Wells. Citizen Right to Self Defense. Died On House Floor.

2007. HB 340. Intro'd by Rep. Wells. Citizen Right to Self Defense. Tabled in Senate Judiciary.

Copies of these bills have been given to Pam Schindler, Senate Judiciary Secretary.

I think the lesson here is that the agreements reached between 1997 and 1999, which resulted in SB 186 and HB 459 being introduced and passed in the 1999 Session have stood the test of time fairly well. Subsequent legislatures have resisted all attempts to amend the current law.